

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
August 6, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: August 1, 2013

SUBJECT: **Resolution 1208-2013 Certification of the Final Supplemental Environmental Impact Report for the Wastewater Treatment Plant Project**

RECOMMENDATION

Approve Resolution 1208-2013 Certifying the Final Supplemental Environmental Impact Report for the Rio Dell Wastewater Reuse Project

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

SHN Consulting Engineers has prepared the Final Supplemental Environmental Impact Report (SEIR) for the Rio Dell Wastewater Reuse Project. The SEIR was prepared to analyze the impacts of a proposed project modification which would change the alignment and methodology of the sewer transmission pipeline where it crosses the Eel River. Rather than crossing the Eel River within the existing Highway 101 Caltrans Bridge, the pipeline is proposed to cross underneath the river using horizontal directional drilling (HDD) techniques. This represents a minor change to the pipeline alignment of treated effluent (Option Reuse 1A) as evaluated in the 2008 Certified EIR. No other change to the project is proposed.

The Final SEIR analyzes biological resources, hydrology, and water quality. Based on the analyses contained in the SEIR, with the incorporation of mitigation measures, all impacts would be "less than significant."

The Draft SEIR has been circulated for review to all oversight agencies with jurisdiction over the Project and notice has also been posted with the State Clearinghouse, the County, the Times Standard. The documents have also been placed on the City's website for public review. The Final SEIR includes responses to all comments received.

Upon Certification of the Final SEIR, the City finds that the proposed changes to the project avoid or substantially lessen the significant environmental effects as identified in the FSEIR under California Environmental Quality Act (CEQA) guidelines Section 15091.

| The FSEIR is available for review at City Hall and at www.riodellicity.com.

RESOLUTION NO. 1208-2013
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE RIO DELL WASTEWATER REUSE PROJECT

WHEREAS, SHN Consulting Engineers has prepared the Final Supplemental Environmental Impact Report (SEIR) for the Rio Dell Wastewater Reuse Project. The SEIR was prepared to analyze the impacts of a proposed project modification which would change the alignment and methodology of the sewer transmission pipeline where it crosses the Eel River. Rather than crossing the Eel River within the existing Highway 101 Caltrans Bridge, the pipeline is proposed to cross underneath the river using horizontal directional drilling (HDD) techniques. This represents a minor change to the pipeline alignment of treated effluent Option Reuse 1A as evaluated in the Certified Final EIR; and

WHEREAS, the SEIR found that the proposed project modification could result in significant, temporary direct impacts to biological resources (Impact 6-6) and water quality (Impact 10-2) from a potential inadvertent release of drilling fluids in or near the Eel River during construction; and

WHEREAS, the SEIR identified mitigation measures (6-6a and 6-6b) that will reduce each of these impacts to a less-than-significant level; and

WHEREAS, the SEIR includes a supplement to the previously adopted Mitigation Monitoring and Reporting Program which requires implementation of the above mitigation measures.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell Certifies as follows:

- 1) the Final SEIR has been completed in compliance with CEQA;
- 2) the Final SEIR was presented to the City Council of The City of Rio Dell, and that the Council reviewed and considered the information contained in the Final SEIR prior to approving the project; and
- 3) the Final SEIR reflects the City's independent judgment and analysis.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell has made the finding that the City has eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under CEQA Guidelines Section 15091.

PASSED AND ADOPTED by the City of Rio Dell on this 6th day of August 2013, by the following roll call vote:

Ayes:

Noes:
Abstain:
Absent:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

**RIO DELL WASTEWATER REUSE PROJECT
FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
STATE CLEARING HOUSE NUMBER (SCH#)
2007062006**

July 2013

Prepared for:



Lead Agency under the
California Environmental Quality Act

For Information Contact:
Jim Stretch, City Manager
City of Rio Dell
675 Wildwood Drive
Rio Dell, CA 95562
(707) 764-3532

Prepared by:



812 W. Wabash Ave.
Eureka, CA 95501-2138
(707) 441-8855

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Appendix A. Supplement to Mitigation Monitoring and Reporting Program

Abbreviations and Acronyms

CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CSLC	California State Lands Commission
EIR	environmental impact report
FIRMs	Flood Insurance Rate Maps
HDD	horizontal directional drilling
MMRP	mitigation monitoring and reporting program
NOC	notice of completion
NOD	notice of determination
SCH #	State Clearinghouse Number
SEIR	supplemental environmental impact report
SHN	SHN Consulting Engineers & Geologists, Inc.
USGS	United States Geological Survey
W&K	Winzler & Kelly
WWTF	wastewater treatment facility

1.0 Introduction and Background

1.1 Introduction

The City of Rio Dell is in the process of constructing the Rio Dell Wastewater Reuse Project. In May 2008, the City certified an environmental impact report (EIR). In June 2009, Addendum No. 1 to the Certified EIR was prepared. This addendum analyzed changes to Alternative 5 that were required in order to install and operate equipment temporarily, including new biosolids-dewatering equipment, a new storage building, and new disinfection equipment at the existing wastewater treatment facility (WWTF). In September 2010, Addendum No. 2 analyzed changes to Alternative 1 in the 2008 Certified EIR. The City opted to move forward with Alternative 1, which consists of Options WWTF1 (treatment system to be located at Rio Dell's existing facility site) and REUSE1A (storage pond and summer disposal on Metropolitan agricultural land, and winter disposal at current discharge location).

At this time, Wahlund Construction, under contract with the City of Rio Dell, is proposing a change to the alignment of the sewer transmission pipeline where it crosses the Eel River. The previous proposal was that the pipeline would cross the Eel River within the Southbound Highway 101 Caltrans Bridge. The revised plan ("project modification" or "project") is for a horizontal directional drilled (HDD) crossing below the Eel River channel within the bedrock.

This final supplemental environmental impact report has been prepared to address the proposed project modification to the Rio Dell Wastewater Reuse Project. The City is the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.). "Lead agency" is defined by CEQA Section 21067 as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." See also the CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et seq.).

The complete supplemental environmental impact report (SEIR) for the Rio Dell Wastewater Reuse Project (project) consists of the following:

- The *Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report* (State Clearinghouse No. [SHC#] 2007062006) (SHN, 2013) (Draft SEIR)
- This document, the *Rio Dell Wastewater Reuse Project Final Supplemental Environmental Impact Report* (SHC# 2007062006) (Final SEIR)

This SEIR supplements the prior EIR (W&K, 2008) and two addenda (W&K, 2009, 2010) that were prepared for the project, in accordance with Sections 15162 and 15163 of the CEQA Guidelines. It contains only the information necessary to make the previous EIR adequate for the project as revised.

This Final SEIR will be used by the City as part of its approval process including adoption of additional mitigation measures for project implementation. A mitigation monitoring and reporting program (MMRP) was incorporated into the 2008 EIR (W&K, 2008), and the mitigation measures were subsequently modified by the two addenda (W&K, 2009, 2010). Two additional mitigation measures were identified in the Draft SEIR, therefore, a supplement to the MMRP, which addresses additions to the project mitigation measures, is presented as Appendix A of this Final SEIR.

1.2 Documents Incorporated by Reference

CEQA Guidelines Section 15150 encourages incorporation by reference of previously analyzed and publicly circulated information. Documents incorporated by reference must be made available to the public for inspection.

This Final SEIR incorporates by reference the documents listed below.

- *Rio Dell Wastewater Reuse Project Draft Environmental Impact Report* (SCH# 2007062006) (W&K, 2007)
- *Rio Dell Wastewater Reuse Project Final Environmental Impact Report* (SCH# 2007062006) (W&K, 2008)
- *Rio Dell Wastewater Reuse Project Environmental Impact Report June 2009 Addendum* (SCH# 2007062006) (W&K, 2009)
- *Rio Dell Wastewater Reuse Project Environmental Impact Report September 2010 Addendum No. 2* (SCH# 2007062006) (W&K, 2010)
- *Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report* (SCH# 2007062006) (SHN, 2013)

Printed copies of these documents are available for public inspection at the City of Rio Dell City Hall, 675 Wildwood Drive, Rio Dell, California 95562, during normal business hours. They are also available on the City's web site at www.riodelcity.com/departments/public-works/wastewater/.

1.3 Organization of the Final Supplemental Environmental Impact Report

This Final SEIR contains:

- copies of all comments or recommendations received by the lead agency during the Draft SEIR public comment period (Section 2.0 of this Final SEIR);
- a list of persons, organizations, or individuals commenting on the Draft SEIR (this requirement is met by the Final SEIR table of contents);
- the responses of the lead agency to "all significant environmental points" identified during the review process (Section 2.0 of this Final SEIR); and
- any changes to the project description, environmental setting, impact analysis, mitigation measures and monitoring program presented in the Draft SEIR (Section 3.0 of this Final SEIR).

1.4 Summary of Public Review

The Draft SEIR was circulated to public agencies and the general public on May 11, 2013. In compliance with CEQA, a notice of availability was published in the Times-Standard newspaper and was posted for 30 days at the Humboldt County clerk's office. A notice of completion (NOC) was filed with the Governor's Office of Planning and Research, and copies of the Draft SEIR were made available at the City's office and on the City's website. Additionally, the City mailed notices to individuals and organizations who requested a copy. As announced in the notice of availability,

the City accepted public comments on the Draft SEIR at the regularly scheduled city council meeting on June 18, 2013. No public comment was received at the meeting. The 45-day public comment period required by CEQA was initiated on May 11, 2013, and ended on June 30, 2013.

1.5 Subsequent Steps in the CEQA Process

1.5.1 Certification of the Final SEIR

Upon completion of the Final SEIR and prior to approving a project the lead agency shall certify that:

- 1) the Final SEIR has been completed in compliance with CEQA;
- 2) the Final SEIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final SEIR prior to approving the project; and
- 3) the Final SEIR reflects the lead agency's independent judgment and analysis.

When an SEIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency's elected decision-making body, if one exists. For example, certification of an SEIR for a tentative subdivision map by a city's planning commission may be appealed to the city council. Each local lead agency shall provide for such appeals. The Rio Dell City Council is an elected decision-making body; therefore, there is no appeal process related to the project.

1.5.2 Findings

- 1) No public agency shall approve or carry out a project for which an SEIR has been certified if it identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

The possible findings are:

- a) Changes or alterations have been required in, or incorporated into, the project and avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.
- 2) The findings required by the subdivision (1) above shall be supported by substantial evidence in the record.

- 3) The finding in subdivision (1)(b) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (1)(c) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- 4) When making the findings required in subdivision (1)(a), the agency shall also adopt a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- 5) The public agency shall specify the location and custodian of the documents or other material that constitute the record of the proceedings upon which its decision is based.
- 6) A statement made pursuant to CEQA Guidelines Section 15093 does not substitute for the findings required by this section.

1.5.3 Approval

- 1) After considering the Final SEIR and in conjunction with making findings under CEQA Guidelines Section 15091 (above), the lead agency may decide whether or how to approve or carry out the project.
- 2) A public agency shall not decide to approve or carry out a project for which an SEIR was prepared unless either:
 - a) the project as approved will not have a significant effect on the environment, or
 - b) the agency has:
 - a. eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under CEQA Guidelines Section 15091, and
 - b. determined that any remaining significant effects on the environment found to be unavoidable under CEQA Guidelines Section 15091 are acceptable due to overriding concerns as described in CEQA Guidelines Section 15093.

1.5.4 Notice of Determination

- 1) The lead agency shall file a notice of determination (NOD) within five working days after deciding to carry out or approve the project.
- 2) The NOD shall include:
 - a) An identification of the project including the project title as identified in the Draft SEIR, and the location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a United States Geological Survey [USGS] 15- or 7.5-minute topographical map identified by quadrangle name) (If the NOD is filed with the State Clearinghouse, the State Clearinghouse identification number for the Draft SEIR shall be provided.)
 - b) A brief description of the project

- c) The lead agency's name and the date on which the agency approved the project (If a responsible agency files the NOD pursuant to CEQA Guidelines Section 15096(i), the responsible agency's name and date of approval shall also be identified.)
 - d) The determination of the agency whether the project in its approved form will have a significant effect on the environment
 - e) A statement that an SEIR was prepared and certified pursuant to the provisions of CEQA
 - f) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted
 - g) Whether findings were made pursuant to CEQA Guidelines Section 15091
 - h) Whether a statement of overriding considerations was adopted for the project
 - i) The address where a copy of the Final SEIR and the record of project approval may be examined
- 3) If the lead agency is a state agency, the lead agency shall file the NOD with the Office of Planning and Research within five working days after approval of the project by the lead agency.
 - 4) If the lead agency is a local agency, the local lead agency shall file the NOD with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the lead agency. If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the NOD with the Office of Planning and Research.
 - 5) An NOD filed with the county clerk shall be available for public inspection and shall be posted within 24 hours of receipt for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local lead agency with a notification of the period during which it was posted. The local lead agency shall retain the notice for not less than 12 months.
 - 6) An NOD filed with the Office of Planning and Research shall be available for public inspection and shall be posted for a period of at least 30 days. The Office of Planning and Research shall retain each notice for not less than 12 months.
 - 7) The filing of the NOD pursuant to subdivision (3) above for state agencies and the filing and posting of the NOD pursuant to subdivisions (4) and (5) above for local agencies, start a 30-day statute of limitations on court challenges to the approval under CEQA.
 - 8) A sample NOD is provided in Appendix D of the CEQA Guidelines. Each public agency may devise its own form, but any such form shall include, at a minimum, the information required by subdivision (2). Public agencies are encouraged to make copies of all notices filed pursuant to this section available in electronic format on the internet. Such electronic notices are in addition to the posting requirements of the CEQA Guidelines and the Public Resources Code.

1.5.5 Disposition of a Final SEIR

Upon certifying the SEIR, the lead agency shall:

- 1) File a copy of the Final SEIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.

- 2) Include the Final SEIR as part of the regular project report that is used in the existing project review and budgetary process if such a report is used.
- 3) Retain one or more copies of the Final SEIR as public records for a reasonable period of time.
- 4) Require the applicant to provide a copy of the certified Final SEIR to each responsible agency.

2.0 Responses to Comments

Upon completion of the 45-day public comment period for the Draft SEIR, the lead agency shall evaluate comments on the environmental issues received from persons or public agencies who reviewed the Draft SEIR and shall prepare a written response.

There were five comment letters delivered to the lead agency during the Draft SEIR public review and comment period. The respondents were:

- 1) California State Lands Commission (June 28, 2013)
- 2) California State Water Resources Control Board (June 20, 2013)
- 3) Federal Emergency Management Agency, United States Department of Homeland Security (May 28, 2013)
- 4) Humboldt County Association of Governments (May 24, 2013)
- 5) Department of Transportation, State of California (May 14, 2013)

Each comment letter is given its own numerical designation and is included herein (see yellow pages). Within each comment letter, substantive comments about the content of the Draft SEIR are identified with marginal lines on the right side of each page. Each separate comment is given a distinct comment number, for example, for letter 1 (from the California State Lands Commission [CSLC]), each comment is numbered using the letter number and a consecutive secondary number, as follows: 1-1, 1-2, 1-3...).

The written responses shall describe the disposition of significant environmental issues raised (for example, revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Comments that are speculative in nature or that simply express concern or make generalized inquiry are not substantive and may receive little or no response.

1. Letter from California State Lands Commission (June 28, 2013)

CALIFORNIA STATE LANDS COMMISSION
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825-8202

Our 75th Year



1938 - 2013

JENNIFER LUCCHESI, *Executive Officer*
 (916) 574-1800 Fax (916) 574-1810
 California Relay Service TDD Phone 1-800-735-2929
 from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact Fax: (916) 574-1885

June 28, 2013

File Ref: SCH #2007062006

City of Rio Dell
 Attn: Stephanie Beauchaine
 675 Wildwood Drive
 Rio Dell, CA 95562

Subject: Draft Supplemental Environmental Impact Report (Draft SEIR) for Rio Dell Waste Water Reuse Project (Project) in Eel River, Humboldt County

Dear Ms. Beauchaine:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft SEIR being prepared by City of Rio Dell (City). The City, as a public agency carrying out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion

or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

A portion of the Project is within CSLC jurisdiction. CSLC staff received an application from the City on January 7, 2013; however, that application was deemed incomplete. Please contact Reid Boggiano (see contact information below) for further information about the extent of the CSLC's sovereign ownership and leasing requirements.

Project Description

The City certified an EIR for the proposed Project in May 2008, and subsequently approved two addenda, in June 2009 and September 2010. In its original design, the City proposed crossing the Eel River by using the existing Southbound Highway 101 Caltrans Bridge (Bridge). Currently, however, the City proposes using Horizontal Directional Drilling (HDD) to cross under the Eel River (River) rather than crossing via the existing Bridge. Because crossing of the Bridge was analyzed in the previous EIR, but not HDD to cross under the River, the City prepared the Draft SEIR to supplement the analysis in the previously certified EIR and two addenda to address Project modifications that were not known and could not have been known with the exercise of reasonable diligence at the time the prior EIR was certified.

Environmental Review

CSLC staff requests that the following potential impacts be analyzed in Final SEIR.

General Comments

1. **Deferred Mitigation:** In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, §15126.4, subd. (b)). Page 19 of the Draft SEIR under "Mitigation Measure 6-6b" states that "[a] frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process." This mitigation measure is also referenced in other mitigation measures. Because the frac-out contingency plan (Plan) has not been developed yet at the time of publication of the Draft SEIR, CSLC staff and the general public are deprived of the opportunity to review and comment on the adequacy of the Plan, and as such, it would be considered deferred mitigation. If it is infeasible for the City to develop and include the Plan for public review, it should at least include in the EIR enforceable criteria or standards to which the Plan would be held, including:

- A detailed description of the possible prevention, detection, and response to a possible frac-out in the River;

1-1

- A discussion specifically addressing frac-out prevention in the River, including disclosure of the locations of the relief pits and how they will be monitored;
- A discussion of how a frac-out would be detected, including what signs of frac-out would be monitored and how frequently a monitor would be present in the water; and
- A clear and detailed Response Plan, including what steps would need to be carried out in case of a frac-out in the River, such as if boats with berms would be ready to respond to a frac-out, what agency personnel would be contacted upon a frac-out incident/requesting permission for possible clean-up efforts, etc.

1-1

An example of a Plan that generally meets CSLC's leasing requirements is the Contingency and Resource Protection Plan developed for the Construction of the AT&T Fiber Optic Cable Installation Project, Las Vegas to Victorville FTB Clark County, Nevada, and San Bernardino Counties, which is available at http://www.slc.ca.gov/division_pages/DEPM/DEPM_Programs_and_Reports/ATT_Fiber_Optic/PDF/Appendices/Appendix-I_HDD_Plan.pdf.

Page 19 of the Draft SEIR states that the Plan will be submitted to the City for review and approval prior to commencement of the HDD process. CSLC staff requests that this plan also be submitted to the CSLC staff as it will be required for the approval of the CSLC lease.

1-2

Cultural Resources

2. Submerged Resources/Title to Resources: Please include in the Draft SEIR a statement that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. The Draft SEIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the City consult with Senior Staff Counsel Pam Griggs (see contact information below), should any cultural resources on state lands be discovered during construction of the proposed Project.

1-3

Recreation/Access

3. To better understand all possible recreational impacts CSLC staff recommends including a discussion on potential impacts to public recreational activities—such as kayaking, boating, bird watching, and swimming—in and around the proposed Project site in the event of a frac-out incident. CSLC staff also recommends measures such as, but not limited to, placing signage (in advance) in and around the site notifying members of the public of the necessary information needed about the possible closure of the access to the Eel River. These notices should also identify alternate access points and or use areas, with the appropriate rerouting directions, during construction.

1-4

Thank you for the opportunity to comment on the Draft SEIR for the Project. As a responsible agency, the CSLC will need to rely on the Final SEIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments prior to adoption of the Final SEIR. Please send additional information on the Project to the CSLC as plans become finalized.

Please send copies of future Project-related documents, including electronic copies of the Final SEIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Afifa Awan, Environmental Scientist, at (916) 574-1891 or via e-mail at Afifa.Awan@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Reid Boggiano with the Land Management Division at (916) 574-0450 or via email at Reid.Boggiano@slc.ca.gov.

1-5

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Afifa Awan, DEPM, CSLC
Jennifer DeLeon, DEPM, CSLC
Pam Griggs, Legal, CSLC
Reid Boggiano, LMD, CSLC
Eric Milstein, Legal, CSLC

Response to Letter from California State Lands Commission (June 28, 2013)

- 1-1. Most of the frac-out contingency plan elements recommended by the CSLC to avoid deferral of mitigation are already incorporated into the proposed mitigation measure 6-6b contained in the Draft SEIR. The only exception is the requirement that the frac-out plan disclose the locations of the relief pit(s). This will be added to the requirements of the frac-out plan in mitigation measure 6-6b. Other than that, the elements requested by CSLC's comment letter are already incorporated into measure 6-6b.

Based on the CSLC comment letter and subsequent email correspondence with CSLC, mitigation measure 6-6b will be revised to the following (addition underlined):

Mitigation Measure 6-6b: A frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process. In addition to incorporating all recommendations of the hydraulic fracture analysis report (Appendix C of the geotechnical report), the plan shall include construction personnel training measures, agency notification procedures, monitoring methods, spill prevention procedures/equipment, and spill containment procedures/equipment, spill clean-up/disposal procedures/equipment. Preventative measures shall include implementation of geotechnical investigation recommendations regarding HDD depth and drilling mud mixture. The frac-out contingency plan shall also disclose the proposed locations of any relief pit(s) and how they will be monitored.

- 1-2. Comment noted. The frac-out contingency plan will be submitted to the CSLC for review pursuant to the City's CSLC lease application.
- 1-3. A statement has been added to Section 1.5.4 of the Final SEIR noting that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. Section 1.5.4 has been further amended to note that title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tidal and submerged lands of California is vested in the State and is under the jurisdiction of the California State Lands Commission.
- 1-4. Based on email correspondence with CSLC following receipt of the CSLC comment letter, the CSLC's request has been clarified. Because no planned closure of the Eel River is proposed, no new significant impact to recreation resources at the Eel River HDD site need be identified. During email correspondence, CSLC has withdrawn its request that new mitigation be required, such as placing signage in advance in and around the HDD site notifying the public of a possible closure of access to the Eel River.
- 1-5. Comment noted. Electronic copies of the Final SEIR, MMRP, NOD, and CEQA findings will be provided to CSLC upon adoption, pursuant to the City's CSLC lease application.

**2. Letter from State Water Resources Control Board, State of California
(June 20, 2013)**



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

#2

State Water Resources Control Board

JUN 20 2013

Stephanie Beauchaine
City of Rio Dell
675 Wildwood Drive
Rio Dell, CA 95562

Dear Ms. Beauchaine:

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE CITY OF RIO DELL (CITY); RIO DELL WASTEWATER REUSE PROJECT (PROJECT); HUMBOLDT COUNTY; STATE CLEARINGHOUSE NO. 2007062006

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-7401-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the SEIR to be prepared for the Project.

Please provide us with the following documents applicable to the proposed Project following the City's California Environmental Quality Act (CEQA) process: (1) one copy of the draft and final SEIR, (2) the resolution certifying the SEIR and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program (MMRP), and (5) the Notice of Determination filed with the Humboldt County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

2-1

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:

www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations.

2-2

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov



Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with USFWS, and/or NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be funded under the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

- A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

- B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Thank you for the opportunity to review the City's draft SEIR. If you have any questions or concerns, please feel free to contact me at (916) 327-9401, or by email at MFlandreau@waterboards.ca.gov, or contact Jessica Collado at (916) 341-7388, or by email at JCollado@waterboards.ca.gov.

Sincerely,



Madeleine Flandreau
Environmental Scientist

cc: State Clearinghouse
(Re: SCH# 2007062006)
P.O. Box 3044
Sacramento, CA 95812-3044

CLEAN WATER STATE REVOLVING FUND PROGRAM
INSTRUCTIONS AND GUIDANCE FOR
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Introduction:

The State Water Resources Control Board (State Water Board) uses the California Environmental Quality Act (CEQA) review process and compliance with federal environmental laws and regulations to satisfy the environmental requirements of the Clean Water State Revolving Fund (CWSRF) Program Operating Agreement between the United States Environmental Protection Agency (USEPA) and the State Water Board. The CWSRF Program is partially funded by a capitalization grant from the USEPA. The issuance of funds from the CWSRF Program is equivalent to a federal action, and thus, compliance with federal environmental laws and regulations is required for projects being funded under the CWSRF Program.

All CWSRF Program applicants must submit adequate and complete environmental documentation to the State Water Board. Following submittal of an applicant's environmental documents, the State Water Board will review the documents to determine if the information is sufficient to document compliance with the CWSRF Program environmental requirements, including making a determination if consultation with federal authorities is required, and may request additional environmental information, when needed. The State Water Board encourages all applicants to initiate early consultation, so that the State Water Board can better streamline the environmental review process.

CEQA Information:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because of the State Water Board's discretionary decision to approve funding.

Detailed information, including CEQA statutes and guidelines can be found online at the California Natural Resources Agency website at <http://ceres.ca.gov/ceqa>. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html. In addition, State Water Board environmental staff is available to answer questions about the CEQA process, as well as the CWSRF Program environmental requirements. Please contact your assigned Project Manager at the State Water Board, regarding contact information for the appropriate environmental staff.

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board.

The types of CEQA documents that may apply to an applicant's project include one or a combination of the following: 1) Notice of Exemption (NOE); 2) Initial Study and Negative Declaration (ND); 3) Initial Study and Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program (MMRP); 4) Environmental Impact Report (EIR) with an MMRP; and/or 5) Addendum, Supplemental and Subsequent ND, MND or EIR. The applicant must determine the appropriate document for its project and submit the supporting information listed under the applicable section of the Environmental Package Checklist for Applicant (Attachment 1), along with a completed copy of the Evaluation Form for Environmental Review and Federal Coordination (Attachment 2). Please submit two copies of all CEQA documents.

The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Program or Master Plan EIRs may not be suitable for satisfying the State Water Board environmental requirements if these documents are not project-specific. When an applicant uses an Addendum, Supplemental or Subsequent CEQA document for a project, the associated Program or Master Plan EIR must also be submitted, especially if the Addendum, Supplemental or Subsequent CEQA document includes references to pertinent environmental and mitigation information contained in the Program or Master Plan EIR.

If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated environmental document (such as an Addendum, Supplemental or Subsequent CEQA document) based on the results of that re-evaluation. The updated environmental document must be circulated through the State Clearinghouse for public review. The applicant must adopt the final updated environmental document, including any new identified measures, make CEQA findings, and file a Notice of Determination (NOD) with the local county clerk(s) and the Governor's Office of Planning and Research, State Clearinghouse (State Clearinghouse).

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations shall only be responsible for approving and ensuring implementation of the applicable project mitigation measures identified in the MMRP. All public agencies applying for CWSRF Program funding shall file either an NOE or an NOD with the State Clearinghouse and the local county clerk(s). Date stamped copies of those notices must be submitted with all the applicable environmental documents.

If the CEQA document was jointly prepared by a federal public governmental agency to satisfy the National Environmental Policy Act (NEPA) requirements, then the applicant must submit the corresponding NEPA documents, including a Finding of No Significant Impact, or a Record of Decision completed by the federal NEPA lead agency.

Federal Information:

In addition to CEQA compliance, the State Water Board is required to document environmental compliance with federal environmental laws and regulations, including:

1. Federal Endangered Species Act (ESA), Section 7:

The United States Department of the Interior, Fish and Wildlife Service (USFWS) and the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) must be consulted for any project that will have the potential to adversely impact a federal special-status species. The USEPA delegated the State Water Board to act as the non-federal lead for initiating informal Section 7 ESA consultation with the USFWS. The State Water Board will coordinate with the USEPA for projects requiring formal Section 7 ESA consultation with the USFWS and projects that will impact federal special-status fish species under the NMFS jurisdiction. The USFWS and NMFS must provide written concurrence prior to a CWSRF financing agreement. USFWS and NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance.

For further information on the federal ESA law, regulation, policy, and notices, go to <http://www.fws.gov/endangered/laws-policies/index.html> and <http://www.nmfs.noaa.gov/pr/laws/esa/>. Note that compliance with both the state and federal ESAs is required of projects having the potential to impact state and federal special-status species. Although overlap exists between the state and federal ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, refer to the California Department of Fish and Game website at <http://www.dfg.ca.gov/habcon/cesa/>.

2. Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat (EFH):

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, is designed to manage and conserve national fishery resources. EFH consultations are only required for actions that may adversely effect EFH. The applicant needs to determine whether the proposed project may adversely affect EFH. NMFS is responsible for publishing maps and other information on the locations of designated EFH, and can provide information on ways to promote conservation of EFHs to facilitate this assessment. If a project may adversely affect a designated EFH, the applicant must complete an EFH consultation.

The State Water Board will coordinate with the USEPA to request an EFH consultation from the NMFS. NMFS is required to respond informally or in writing. NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance. For more information, see the brochure at http://www.nmfs.noaa.gov/sfa/reg_svcs/Council%20stuff/council%20orientation/2007/2007TrainingCD/TabT-EFH/EFH_CH_Handout_Final_3107.pdf.

3. National Historic Preservation Act (NHPA), Section 106:

The NHPA focuses on federal compliance. Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm).

In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources Information System Center. Also, to contact the Native American tribes that are culturally affiliated with a project area from the list obtained from the Native American Heritage Commission (NAHC).

The NAHC can be contacted at:

915 Capitol Mall, Room 364
Sacramento, CA 95814
Tele: (916) 653-4082

4. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its local air quality management district and review the Air Resources Board [California air emissions map](#) for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the State Water Board environmental staff through the assigned Project Manager.

5. Coastal Zone Management Act

Projects proposing construction in the Coastal Zone will require consultation with either the California Coastal Commission (or the designated local agency with a Local Coastal Program), or the San Francisco Bay Conservation and Development Commission (for projects located in the San Francisco Bay area). The applicant must submit a copy of the approved Coastal Development permit to the State Water Board to satisfy this requirement.

For more information on Coastal Zone Management Act requirements refer to the following agencies websites:

- United States Coastal Zone Boundaries through the NMFS website at <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>;
- California Coastal Commission website at <http://www.coastal.ca.gov/ccatc.html>; and/or
- San Francisco Bay Conservation and Development Commission website at <http://www.bcdc.ca.gov/>.

6. Coastal Barriers Resources Act

The Coastal Barriers Resources Act is intended to discourage development in the Coastal Barrier Resources System and adjacent wetlands, marshes, estuaries, inlets, and near-shore waters. Since there is no designated Coastal Barrier Resources System in California, no impacts from California projects are expected. However, should the applicant believe there may be impacts to the Coastal Barrier Resources System due to special circumstances, please use the following information as a guide.

During the planning process, the applicant should consult with the appropriate Coastal Zone management agency (e.g., City or County with an approved Local Coastal Program, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission) to determine if the project will have an effect on the Coastal Barrier Resources System. If the project will have an effect on the Coastal Barrier Resources System, the State Water Board must consult with the appropriate Coastal Zone management agency and the USFWS. Any recommendations from the Coastal Zone management agency and USFWS will be incorporated into the project's design prior to approval of CWSRF financing.

For more information and to ensure that no modifications to Coastal Barrier Resources System have occurred, please visit: <http://www.fws.gov/CBRA/>.

7. Farmland Protection Policy Act

Projects involving impacts to farmland designated as prime and unique, local and statewide importance, or under a Williamson Act Contract, will require consultation with the United States Department of Agriculture, Natural Resources Conservation Service and/or California Department of Conservation. For more information on the Farmland Protection Policy Act go to <http://www.nrcs.usda.gov/programs/fppa>, and regarding the Williamson Act Contract go to <http://www.consrv.ca.gov/dlrp/lca>.

8. Floodplain Management – Executive Order 11988:

Each agency shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a designated floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency determines or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains.

For further information regarding Floodplain Management requirements, please consult the United States Department of Homeland Security, Federal Emergency Management Agency website at <http://www.fema.gov>, as well as the USEPA floodplain management Executive Order 11988 at <http://www.epa.gov/owow/wetlands/regs/eo11988.html>

9. Migratory Bird Treaty Act (MBTA):

The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The MBTA, along with subsequent amendments to this act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed under CEQA. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the Migratory Bird Program through the USFWS website at <http://www.fws.gov/laws/lawsdigest/migtrea.html>.

10. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process through the United States Army Corps of Engineers (USACE) can be lengthy, and may ultimately require project alterations to avoid wetlands and waters of the United States. Applicants must consult with the USACE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACE Wetland Delineation Manual is available at <http://www.wetlands.com/regs/tlpge02e.htm>. Also note that the California State Water Boards are involved in providing approvals through the Clean Water Act Section 401 Water Quality Certification Program and/or Waste Discharge Requirements. For more information, please go to http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

11. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or in a designated "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at <http://www.rivers.gov/rivers/california.php>. Watershed information can be obtained through the "Watershed Browser" at http://cwp.resources.ca.gov/map_tools.php.

12. Safe Drinking Water Act, Source Water Protection:

Projects must comply with the Safe Drinking Water Act and document whether or not a project has the potential to contaminate a sole source aquifer. For projects impacting a listed sole source aquifer, the applicant must identify an alternative project location, or develop adequate mitigating measures in consultation with the USEPA. For more information, please go to the Sole Source Aquifer Program website at <http://epa.gov/region09/water/groundwater/ssa.html>.

13. Environmental Justice – Executive Order No. 12898:

Identify and address any disproportionately high and adverse human health or environmental effects of the project's activities on minority and low-income populations. USEPA has defined environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Fair Treatment means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative consequences of industrial, governmental, and commercial operations or programs and policies.

Meaningful Involvement means that: 1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; 2) the public's contribution can influence the agency's decision; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) the decision-makers seek out and facilitate the involvement of those potentially affected.

The term "environmental justice concern" is used to indicate the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations, or tribes in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Your project may involve an "environmental justice concern" if the project could:

- a) Create new disproportionate impacts on minority, low-income, or indigenous populations;
- b) Exacerbate existing disproportionate impacts on minority, low-income, or indigenous populations;
or
- c) Present opportunities to address existing disproportionate impacts on minority, low-income, or indigenous populations that are addressable through the project.

ENVIRONMENTAL¹ PACKAGE CHECKLIST FOR APPLICANT (What to Submit to Project Manager)

Required for all CWSRF Projects:

- ☐ Evaluation Form for Environmental Review and Federal Coordination with the substantiating information (i.e. USFWS species list/biological assessment, cultural resources documentation, air quality data, flood map etc.)
- ☐ Project Report, Scope of Work and Map(s)

Based on the type of CEQA documents prepared for the project, provide additional information as identified in the following boxes.

If project is covered under a CEQA Categorical or Statutory Exemption, submit a copy of the following:

- ☐ Notice of Exemption (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a Negative Declaration, submit a copy of the following:

- ☐ Draft and Final Initial Study/Negative Declaration (IS/ND)
 - ☐ Comments and Responses to the Draft IS/ND
- ☐ Resolution approving the CEQA documents
 - ☐ Adopting the Negative Declaration
 - ☐ Making CEQA Findings
- ☐ Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a Mitigated Negative Declaration, submit a copy of the following:

- ☐ Draft and Final Initial Study/Mitigated Negative Declaration (IS/MND)
 - ☐ Comments and Responses to the Draft IS/MND
 - ☐ Mitigation Monitoring and Reporting Plan/Program (MMRP)
- ☐ Resolution approving the CEQA documents
 - ☐ Adopting the Mitigated Negative Declaration and the MMRP
 - ☐ Making CEQA Findings
- ☐ Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under an Environmental Impact Report (EIR), submit a copy of the following:

- ☐ Draft and Final EIR
 - ☐ Comments and Responses to the Draft EIR
 - ☐ Mitigation Monitoring and Reporting Plan/Program (MMRP)
- ☐ Resolution approving the CEQA documents
 - ☐ Certifying the EIR and adopting the MMRP
 - ☐ Making CEQA Findings
 - ☐ Adopting a Statement of Overriding Considerations for any adverse environmental impact(s), if applicable
- ☐ Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or the Finding of No Significant Impact.

¹ If the CEQA document is more than five years old applicant shall provide an updated CEQA document (eg. subsequent, supplemental, or addendum CEQA documents) or a letter that describes the current status of the environmental condition for the project's location.

State Water Resources Control Board (State Water Board)
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

CWSRF No.: _____
Applicant Name: _____
Date: _____
Project Title: _____

1. **Federal Endangered Species Act (ESA). Section 7:**

Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species or their critical habitat that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

- a. **Required documents: Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and an up-to-date species list (from the United States Fish and Wildlife Service and the California Natural Diversity Database) for the project area.**

☐ No. Discuss why the project will not impact any federally listed special status species:

☐ Yes. Provide information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred for the project. Include any comments below:

2. **Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat:**
Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may adversely affect essential fish habitat?

☐ No. Discuss why the project will not impact essential fish habitat:

☐ Yes. Provide information on essential fish habitat that could potentially be affected by this project and any proposed avoidance and compensation measures. Document any consultations with the National Marine Fisheries Service that may have occurred for the project. Include any comments below:

3. **National Historic Preservation Act, Section 106:**

Identify the area of potential effects (APE), including construction, staging areas, and depth of any excavation. (Note: the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations).

- **Required documents: Cultural Resources Assessment** prepared by a prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm). **Current records search** with maps showing all sites and surveys drawn in relation to the project area, and records of **Native American consultation**. Include any comments below:

4. Federal Clean Air Act:**Identify Air Basin Name** _____**Name of the Local Air District for Project Area:** _____**Is the project subject to a State Implementation Plan (SIP) conformity determination?**☐ No. The project is in an attainment or unclassified area for all federal criteria pollutants.

☐ Yes. The project is in a nonattainment area or attainment area subject to maintenance plans for a federal criteria pollutant. Include information to indicate the nonattainment designation (e.g. moderate, serious, severe, or extreme), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

- If you checked "Yes" above, provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.
- Also, attach any air quality studies that may have been done for the project.

Pollutant	Federal Status (Attainment, Nonattainment, Maintenance, or Unclassified)	Nonattainment Rates (i.e., moderate, serious, severe, or extreme)	Threshold of Significance for Project Air Basin (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Ozone (O ₃)					
Carbon Monoxide (CO)					
Oxides of Nitrogen (NO _x)					
Reactive Organic Gases (ROG)					
Volatile Organic Compounds (VOC)					
Lead (Pb)					
Particulate Matter less than 2.5 microns in diameter (PM _{2.5})					
Particulate Matter less than 10 microns in diameter (PM ₁₀)					
Sulfur Dioxide (SO ₂)					

5. Coastal Zone Management Act:**Is any portion of the project site located within the coastal zone?**☐ No. The project is not within the coastal zone.

☐ Yes. Describe the project location with respect to coastal areas and the status of the coastal zone permit, and provide a copy of the coastal zone permit or coastal exemption:

6. Coastal Barriers Resources Act:

Will the project impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters? Note that since there is currently no Coastal Barrier Resources System in California, projects located in California are not expected to impact the Coastal Barrier Resources System in other states. If there is a special circumstance in which the project may impact a Coastal Barrier Resource System, indicate your reasoning below.

☐ No. The project will not impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters.

☐ Yes. Describe the project location with respect to the Coastal Barrier Resources System, and the status of any consultation with the appropriate Coastal Zone management agency and the United States Fish and Wildlife Service:

7. Farmland Protection Policy Act:

Is any portion of the project located on important farmland?

☐ No. The project will not impact farmland.

☐ Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project boundaries is under a Williamson Act Contract and specify the amount of acreage affected:

8. Flood Plain Management:

Is any portion of the project located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?

- **Required documents: Attach a floodplain map.**

☐ No. Provide a description of the project location with respect to streams and potential floodplains:

☐ Yes. Describe the floodplain, and include a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would be implemented to minimize or avoid project impacts:

9. **Migratory Bird Treaty Act:**

Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

☐ No. Provide an explanation below.

☐ Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

10. **Protection of Wetlands:**

Does any portion of the project boundaries contain areas that should be evaluated for wetland delineation or require a permit from the United States Army Corps of Engineers?

☐ No. Provide the basis for such a determination:

☐ Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

11. **Wild and Scenic Rivers Act:**

Identify watershed where the project is located: _____

Is any portion of the project located within a wild and scenic river?

☐ No. The project is not located near a wild and scenic river.

☐ Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

12. **Safe Drinking Water Act, Sole Source Aquifer Protection:**

Is the project located in an area designated by the United States Environmental Protection Agency, Region 9, as a Sole Source Aquifer?

☐ No. The project is not within the boundaries of a sole source aquifer.

☐ Yes. Contact USEPA, Region 9 staff to consult, and identify the sole source aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer) that will be impacted:

13. **Environmental Justice:**

Does the project involve an activity that is likely to be of particular interest to or have particular impact upon minority, low-income, or indigenous populations, or tribes?

☐ No. Selecting "No" means that this action is not likely to be of any particular interest to or have an impact on these populations or tribes. Explain.

☐ Yes. If you answer yes, please check at least one of the boxes and provide a brief explanation below:

☐ The project is likely to impact the health of these populations.

☐ The project is likely to impact the environmental conditions of these populations.

☐ The project is likely to present an opportunity to address an existing disproportionate impact of these populations.

☐ The project is likely to result in the collection of information or data that could be used to assess potential impacts on the health or environmental conditions of these populations.

☐ The project is likely to affect the availability of information to these populations.

☐ Other reasons, describe: _____

NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.
- A project description and map should be sent to the Native American Heritage Commission (NAHC) requesting a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.
- The NAHC will include a list of Native American groups and individuals with their response. A project description and maps should be sent to everyone on the list asking for information on the project area.
- Similar letters should be sent to local historical organizations.
- Follow-up contact should be made by phone if possible and a phone log should be included in the report.

WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- A finding of **“no known resources”**, this doesn't mean anything. The consultant's job is to find out if there are resources within the APE or to explain why they are not present.
- **“The area is sensitive for buried archaeological resources”**, followed by a statement that **“monitoring is recommended as mitigation”**. Monitoring is not an acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.
- **“The area is already disturbed by previous construction”**, this may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site. Or, previous construction may have impacted an archaeological site that was never documented.
- No mention of **“Section 106”**, a report that gives adequate information for CEQA may not be sufficient to comply with Section 106.

SHPO CONSULTATION LETTER

- A Section 106 consultation letter should be prepared by a qualified researcher, and submitted along with the Section 106 Report to the State Water Board to use to consult with the State Historic Preservation Officer.

STATE WATER BOARD CONTACT INFORMATION

Please contact Mr. Ahmad Kashkoli 916-341-5855 or akashkoli@waterboards.ca.gov if you have any questions related to CWSRF Program cultural resources compliance.

BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

CULTURAL RESOURCES REPORTS

The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards (www.cr.nps.gov/local-law/arch_stnds_9.htm).

REPORT TERMINOLOGY

A cultural resources report used for Section 106 consultation should use terminology consistent with 36 CFR, Section 800.16 of the NHPA. This doesn't mean that the report needs to "filled" with passages and interpretations of the regulations, the SHPO reviewer already knows the law.

- If "findings" are made they must be one of the four "findings" listed in Section 106. These include:
 - "No historic properties affected" (no properties are within the APE, including the below ground APE).
 - "No effect to historic properties" (properties may be near the APE but the project will not impact them).
 - "No adverse effect to historic properties" (the project may affect historic properties but the impacts will not be adverse)
 - "Adverse effect to historic properties". *Note: the SHPO must be consulted at this point. If your consultant proceeds on his own, his efforts may be wasted.*

CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search should include maps that show all recorded sites and surveys in relation to the area of potential effects (APE) for the project.
- The APE is three-dimensional and includes all areas that may be affected by the project. It includes the surface area and extends below ground to the depth of any project excavations.
- The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Response to Letter from State Water Resources Control Board, State of California (June 20, 2013)

- 2-1. Comment noted. The City will provide the requested documents following completion of the City's CEQA process.
- 2-2. Comment noted. CEQA-plus requirements pursuant to Clean Water State Revolving Fund financing will be addressed separately from the SEIR.

**3. Letter from Federal Emergency Management Agency, United States
Department of Homeland Security (May 28, 2013)**

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



May 28, 2013

Stephanie Beauchaine, Finance Director
City of Rio Dell
675 Wildwood Drive
Rio Dell, California 95562

Dear Ms. Beauchaine:

This is in response to your request for comments regarding Notice of Completion and Availability, Draft Supplemental Environmental Impact Report – Rio Dell Wastewater Reuse Project, SCH #2007062006 dated May 9, 2013.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Humboldt (Community Number 060060), Maps dated May 3, 1982; and City of Rio Dell (Community Number 060064), Maps dated February 8, 1999. Please note that the City of Rio Dell, Humboldt County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

3-1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

3-2

3-3

Stephanie Beauchaine, Finance Director

Page 2

May 28, 2013

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. 3-4
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtml>. 3-5

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Rio Dell floodplain manager can be reached by calling Jim Stretch, Director, Public Works, at (707) 764-3532. The Humboldt County floodplain manager can be reached by calling Todd Sobolik, Chief Building Official, at (707) 445-7245. 3-6

If you have any questions or concerns, please do not hesitate to call Sarah Owen of the Mitigation staff at (510) 627-7050.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Jim Stretch, Director, Public Works Department, City of Rio Dell

Todd Sobolik, Chief Building Official, Humboldt County

Tim Chao/Raul Barba, State of California, Department of Water Resources, Northern Region
Office

Sarah Owen, NFIP Planner, DHS/FEMA RIX

Alessandro Amaglio, Environmental Officer, DHS/FEMA RIX

**Response to Letter from Federal Emergency Management Agency, United States
Department of Homeland Security (May 28, 2013)**

- 3-1 Comment noted. The current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Humboldt (Community Number 060060), maps dated May 3, 1982; and the City of Rio Dell (Community Number 060064), maps dated February 8, 1999 have been reviewed. It has been noted that the City of Rio Dell, Humboldt County, California is a participant in the National Flood Insurance Rate Program.
- 3-2 Comment noted. The proposed project modification does not include the construction of any building.
- 3-3 The modified pipeline route crosses a Regulatory Floodway as delineated on the FIRMs (Community Panel Numbers 060060 1140 B and 060060 1120 B). However construction of the pipeline will have no effect on base flood elevation levels because the pipeline will be located entirely underground and/or beneath the Eel River channel. Based on the preliminary design plans, the maximum design depth of the horizontal directional drilling alignment below the present day Eel River channel is about 60 feet, and is assumed to be about 40 feet below the contact of the channel deposits with the underlying bedrock.
- 3-4 Comment noted. The proposed project does not include the construction of any building.
- 3-5 Comment noted. The proposed project will not change existing Special Flood Hazard Areas.
- 3-6 Todd Sobolik, Humboldt County Floodplain Manager, stated that he sees no potential for the project to conflict with local floodplain management building requirements (pers. comm. June 28, 2013).

4. Letter from Humboldt County Association of Governments (May 24, 2013)



Humboldt County Association of Governments (HCAOG)
611 I Street, Suite B
Eureka CA 95501
707.444.8208
info@hcaog.net

May 24, 2013

Stephanie Beauchaine, Finance Director
City of Rio Dell
675 Wildwood Drive
Rio Dell, CA 95562

RE: Notice of Intent to Comment:
Local Clearinghouse Review No. 2013-03: Draft Supplemental Environmental Impact Report: **Rio Dell
Wastewater Reuse Project (State Clearinghouse #2007062006)**

Dear Ms. Beauchaine,

This is to notify you that the Notice of Completion and Availability referenced above will be forwarded to interested local agencies for review under Executive Order 12372. Any comments or concerns received will be submitted to you at the end of the review period, June 14, 2013. If you have any concerns regarding this matter, please feel free to contact me at your convenience.

Sincerely,

Siana L. Watts
Executive Assistant
Humboldt County Association of Governments HCAOG

Response to Letter from Humboldt County Association of Governments (May 24, 2013)

4-1 Comment noted.

5. Letter from Department of Transportation, State of California (May 14, 2013)

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4540
FAX (707) 445-6647
TTY (Teletypewriter #707-445-6463)



#5

*Flex your power!
Be energy efficient!*

May 14, 2013

City of Rio Dell
Stephanie Beauchaine
675 Wildwood Drive
Rio Dell, CA 95562

1-HUM-101-53.9
DB# 18868

Dear Ms. Beauchaine,

Thank you for the opportunity to comment on the Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report, May 2013. The project proposes to modify the sewer transmission pipeline which would then cross underneath the Eel River using horizontal directional drilling (HDD). The entry pit, associated work area and equipment staging location has been determined to be within State right of way.

Caltrans reminds the City that any work within the State right of way will require an approved encroachment permit. Encroachment permit applications are reviewed for consistency with State Standards and are subject to Department approval. Request for Caltrans encroachment permit application forms can be sent to Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Permit Manual is available online at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

5-1

If you have any questions about the contents of this letter, please me at the number above or at tatiana.ahlstrand@dot.ca.gov.

Sincerely,

Tatiana Ahlstrand, Associate Transportation Planner
Office of Regional and Community Planning
Caltrans, District 1

Response to Letter from Department of Transportation, State of California (May 14, 2013)

- 5-1. Comment noted. An encroachment permit will be obtained prior to any work within the state right-of-way.

3.0 Revisions to the Draft Supplemental Environmental Impact Report

3.1 Revisions to Introduction

Add the following to the end of Section 1.5.4:

It is noted that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. It is further noted that title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tidal and submerged lands of California is vested in the State and is under the jurisdiction of the California State Lands Commission.

3.2 Revisions to Project Description

No change is proposed to the project description presented in the Draft SEIR.

3.3 Revisions to Regional Setting

No change is proposed to the regional setting presented in the Draft SEIR.

3.4 Revisions to Environmental Analysis

Add the following to the end of mitigation measure 6-6b in both the Executive Summary and Section 4.2.2 of the Draft SEIR:

The frac-out contingency plan shall also disclose the proposed locations of any relief pit(s) and how they will be monitored.

A supplement to the MMRP, which incorporates additional mitigation measures identified in the SEIR, is presented as Appendix A of this Final SEIR.

3.5 Revisions to Alternatives

No change is proposed to the alternatives presented in the Draft SEIR.

3.6 Revisions to CEQA-Required Sections

No change is proposed to the CEQA-required sections presented in the Draft SEIR evaluating unavoidable significant impacts, irreversible significant impacts, growth-inducing impacts, and cumulative impacts.

4.0 Preparers

SHN Consulting Engineers & Geologists, Inc.

Stein Coriell, Project Planner

Rosalind Litzky, Environmental Planner

5.0 References

- SHN Consulting Engineers & Geologists, Inc. (May 2013). *Rio Dell Wastewater Reuse Project Draft Supplemental Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006*. Eureka, CA:SHN.
- Sobolik, Todd. (June 28, 2013). Personal communication regarding project's potential conflict with local floodplain management building requirements.
- Winzler & Kelly. (October 2007). *Draft Environmental Impact Report, Rio Dell Wastewater Reuse Project, State Clearinghouse Number (SCH#) 2007062006*. Eureka, CA:W&K.
- . (April 2008). *Rio Dell Wastewater Reuse Project Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006*. Eureka, CA:W&K.
- . (June 2009). *Rio Dell Wastewater Reuse Project Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006: June 2009 Addendum*. Eureka, CA:W&K.
- . (September 2010). *Rio Dell Wastewater Reuse Project Environmental Impact Report, State Clearinghouse Number (SCH#) 2007062006: September 2010 Addendum No. 2*. Eureka, CA:W&K.

Appendix A
Supplement to Mitigation Monitoring and Reporting
Program

SUPPLEMENT TO MITIGATION MONITORING AND REPORTING PROGRAM

1.1 Purpose and Use of Mitigation Monitoring Program

The California Environmental Quality Act (CEQA) requires a public agency to adopt a reporting or monitoring program when approving a project or changes to a project, in order to mitigate or avoid significant effects on the environment (Public Resources Code Section 21081.6). The program must be designed to monitor or report on the mitigation measures that the agency has adopted in order to mitigate or avoid significant environmental effects. The reporting or monitoring program must be designed to ensure compliance during project implementation.

The Rio Dell Wastewater Reuse Project Supplemental Environmental Impact Report (SEIR) is a supplement to the 2008 *Rio Dell Wastewater Reuse Project Environmental Impact Report* (SCH# 2007062006) (2008 EIR), *Rio Dell Wastewater Reuse Project Environmental Impact Report June 2009 Addendum* (SCH# 2007062006) (Addendum No. 1), and the *Rio Dell Wastewater Reuse Project Environmental Impact Report September 2010 Addendum No. 2* (SCH# 2007062006) (Addendum No. 2). The mitigation measures adopted as part of the 2008 EIR, Addendum No. 1 and Addendum No. 2 remain in effect and the previously adopted mitigation monitoring and reporting program (MMRP) remains in effect. Two new mitigation measures have been identified in the SEIR, to reduce impacts to less than significant. These two mitigation measures are the subject of this supplement to the MMRP.

1.2 Project Summary

The City of Rio Dell is in the process of constructing the Rio Dell Wastewater Reuse Project. In May 2008, the City certified an environmental impact report (EIR). In June 2009, Addendum No. 1 to the Certified EIR was prepared. This addendum analyzed changes to Alternative 5 that were required in order to install and operate equipment temporarily, including new biosolids-dewatering equipment, a new storage building, and new disinfection equipment at the existing wastewater treatment facility (WWTF). In September 2010, Addendum No. 2 was prepared; it analyzed changes to Alternative 1 in the 2008 Certified EIR. The City opted to move forward with Alternative 1, which consists of Options WWTF1 (treatment system to be located at Rio Dell's existing facility site) and REUSE1A (storage pond and summer disposal on Metropolitan agricultural land, and winter disposal at current discharge location).

At this time, Wahlund Construction, under contract with the City of Rio Dell, is proposing a change to the alignment of the sewer transmission pipeline where it crosses the Eel River. The previous proposal was that the pipeline would cross the Eel River within the Southbound Highway 101 Caltrans Bridge. The revised plan ("project modification" or "project") is for a horizontal directional drilled (HDD) crossing below the river channel in the bedrock.

1.3 Monitoring and Reporting Procedures

The CEQA lead agency, the City of Rio Dell, is responsible for all mitigation monitoring actions; therefore, the City Manager of the City of Rio Dell (currently Mr. Jim Stretch), or *designated representative*, is directed to implement the mitigation measures adopted by the City Council of the City of Rio Dell, to maintain current records and make them available for public inspection, and to

report periodically to the City Council on the implementation and success of the mitigation measures. This is to be accomplished by coordinating with staff, consultants, and contractors to ensure that mitigation measures are implemented. Whenever appropriate, mitigation requirements should be stated in planning and design reports and included in the contract documents (pre-construction requirements and construction plans and specifications, etc.).

The City is also responsible for implementing the project in accordance with the project description in the adopted Final SEIR. This MMRP includes mitigation monitoring verification forms (as summarized in Table 1 below) that identify key points in the project at which specified monitoring actions must occur (verification forms attached in Attachment 1). On the monitoring verification forms, the term "project engineer" refers to the City's designated representative to be responsible for project planning, preparing contract documents, including pre-construction requirements and construction plans and specifications, and overseeing the execution of the project. The term "construction manager" refers to the City's or the project engineer's designated field representative to be responsible for observing pre-construction activities and construction implementation, ensuring project compliance with contract documents, and documenting compliance in project records.

Table 1 Summary of Mitigation Monitoring Forms			
Form #1	Mitigation Measure	Sign Off Requirements	Schedule
19	6-6a	Construction Manager	1-during and 2-post construction
20	6-6b	Construction Manager	1-prior to construction and 2-post construction

1. Form numbering continued from previous MMRP.

1.4 Mitigation Measures

Potentially significant environmental impacts of the proposed project modification and recommended mitigations were identified in the Draft SEIR in the impact categories of biological resources (Impact 6-6) and hydrology and water quality (Impact 10-2). Both of these impacts are less than significant with incorporation of the recommended mitigation measures. Because an SEIR only needs to contain the information necessary to analyze the project modifications that triggered the additional environmental review (CEQA Guidelines Section 15163), only the mitigation measures identified in the SEIR are included herein.

Biological Resources

Refer to Impact Verification Form 19 (Attachment 1).

Impact 6-6: Temporary direct impact to special status species, riparian habitat, and/or federally protected waters of the United States as a result of inadvertent release of drilling fluids in or near the Eel River during HDD.

Mitigation Measure 6-6a: Surface monitoring of the HDD alignment shall be conducted during HDD activities, and the HDD bore shall be advanced with particular caution, especially in the final 300 feet of the HDD alignment.

Mitigation Measure 6-6b: A frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process. In addition to incorporating all recommendations of the hydraulic fracture analysis report, the plan shall include construction personnel training measures, agency notification procedures, monitoring methods, spill prevention procedures/equipment, and spill containment procedures/equipment, spill clean-up/disposal procedures/equipment. Preventative measures shall include implementation of geotechnical investigation recommendations regarding HDD depth and drilling mud mixture. The frac-out contingency plan shall also disclose the proposed locations of any relief pits and how they will be monitored.

Hydrology and Water Quality

Refer to Impact Verification Form 20 (Attachment 1).

Impact 10-2: Temporary direct impact to Eel River water quality as a result of inadvertent release of drilling fluids in or near the Eel River during HDD.

Mitigation Measure 10-2: See Mitigation Measures 6-6a and 6-6b.

MITIGATION MONITORING VERIFICATION FORM 19

City of Rio Dell Wastewater Reuse Project, Humboldt County, CA
Mr. Jim Stretch, City of Rio Dell City Manager, 707-764-3532
State Clearinghouse Number: 2007062006

Mitigation Measure 6-6a: Surface monitoring of the HDD alignment shall be conducted during HDD activities, and the HDD bore shall be advanced with particular caution, especially in the final 300 feet of the HDD alignment.

Item 1: To be completed by **Construction Manager** during construction.

1) during construction ensure compliance with contract documents, 2) complete the Mitigation Monitoring Status section below, and 3) file this completed form in the project file where it can be inspected along with other verification forms for this project.

Item 2: To be completed by **Construction Manager** post construction.

1) post construction ensure compliance with contract documents, 2) document compliance in project records and on this form in the Mitigation Monitoring Status section below, and 3) provide this completed form to the **City of Rio Dell or Representative** for filing.

Mitigation Monitoring Status: Refer to the next page for sign off requirements.

MITIGATION MONITORING VERIFICATION FORM 19

Mitigation Monitoring Status: Indicate status of mitigation measure: Complete? Issues? Future Actions?

Item 1 completed by **Construction Manager** during construction (sign and date):

Item 2 completed by **Construction Manager** post construction (sign and date):

Notes:

MITIGATION MONITORING VERIFICATION FORM 20

City of Rio Dell Wastewater Reuse Project, Humboldt County, CA
Mr. Jim Stretch, City of Rio Dell City Manager, 707-764-3532
State Clearinghouse Number: 2007062006

Mitigation Measure 6-6b: A frac-out contingency plan shall be developed by the contractor and submitted to the City of Rio Dell for review and approval prior to commencement of the HDD process. In addition to incorporating all recommendations of the hydraulic fracture analysis report (Appendix C of the geotechnical report), the plan shall include construction personnel training measures, agency notification procedures, monitoring methods, spill prevention procedures/equipment, and spill containment procedures/equipment, spill clean-up/disposal procedures/equipment. Preventative measures shall include implementation of geotechnical investigation recommendations regarding HDD depth and drilling mud mixture. The frac-out contingency plan shall also disclose the proposed locations of any relief pits and how they will be monitored.

Item 1: To be completed by **Construction Manager** prior to construction.

1) prior to construction ensure compliance with contract documents, 2) complete the Mitigation Monitoring Status section below, and 3) file this completed form in the project file where it can be inspected along with other verification forms for this project.

Item 2: To be completed by **Construction Manager** post construction.

1) post construction ensure compliance with contract documents, 2) document compliance in project records and on this form in the Mitigation Monitoring Status section below, and 3) provide this completed form to the **City of Rio Dell or Representative** for filing.

Mitigation Monitoring Status: Refer to the next page for sign off requirements.

MITIGATION MONITORING VERIFICATION FORM 20

Mitigation Monitoring Status: Indicate status of mitigation measure: Complete? Issues? Future Actions?

Item 1 completed by **Construction Manager** prior to construction (sign and date): _____

Item 2 completed by **Construction Manager** post construction (sign and date):

Notes: